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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,237	09/09/2003	James Thomas Edward McDonnell	300200017-2	8845

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
NGUYEN, KHAI MINH	
ART UNIT	**PAPER NUMBER**
2617	

NOTIFICATION DATE	DELIVERY MODE
07/16/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No.	Applicant(s)	
	10/657,237	MCDONNELL ET AL.	
	Examiner	Art Unit	
	KHAI M. NGUYEN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 9-11, 14, 18-19, and 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura, Shinya (EP 1161031A2) in view of Gerdes et al. (U.S.Pub-20030046541).

Regarding claim 1, Kimura teaches a method wherein a cellular communications service provider authenticates a provider of a service running at a wireless base station, the method comprising:

receiving an indication of potential use of a specified wireless hotspot (access point 18) from a user ([0017] lines 9-13);

verifying the trustworthiness of the provider of the service with a party independent from said provider ([0017] and [0032]); and

Kimura fails to specifically disclose on successful verification of the provider of the service, providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider. However, Gerdes teaches on successful verification of the provider of the service ([0012]), providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider ([0012] and [0035]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Gerdes to Kimura to provide the combination and concatenation of security features makes the method more secure, because it is more difficult to interfere.

Regarding claim 2, Kimura and Gerdes further teach a method as claimed in claim 1, wherein the service is use of the hotspot (see Kimura, access point 18) and the provider of the service is a wireless hotspot provider (see Kimura, [0038], see Gerdes, abstract).

Regarding claim 3, Kimura and Gerdes further teach a method as claimed in claim 1, wherein the service is a service running over infrastructure of the wireless hotspot (see Kimura, access point 18) and the provider of the service is not the provider of the wireless hotspot (see Gerdes, [0035]).

Regarding claim 4, Kimura and Gerdes further teach a method as claimed in claim 1, wherein the confirmation provided comprises a key enabling the user to use the service provided by the provider (see Gerdes, [0003]).

Regarding claim 9, Kimura and Gerdes further teach a method as claimed in claim 1, wherein the indication of potential use is a positive request from the user (see Kimura, [0043]).

Regarding claim 10, Kimura teaches a computer system for a cellular telecommunications provider, comprising a processor arranged for:

receiving an indication of potential use of a specified wireless hotspot from a user ([0017] lines 9-13);

identifying services available at the specified wireless hotspot ([0017] and [0032]);

Kimura fails to specifically disclose authenticating providers of the services available at the specified wireless hotspot; and preparing authentication information for use by the user. However, Gerdes teaches authenticating providers of the services available at the specified wireless hotspot ([0012] and [0035]); and preparing authentication information for use by the user ([0012] and [0035]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Gerdes to Kimura to provide the combination and concatenation of security features makes the method more secure, because it is more difficult to interfere.

Regarding claim 11, Kimura and Gerdes further teach a computer system as claimed in claim 10, wherein in preparing the authentication information the processor is arranged for generating a cryptographic key (see Gerdes, [0015]).

Regarding claim 18, Kimura and Gerdes further teach a computer system as claimed in claim 10, wherein in authenticating providers of the services the processor is arranged for verifying the trustworthiness of the providers of the services (see Kimura, [0017] and [0038]).

Regarding claim 14, Kimura teaches a storage medium storing a computer-readable program code thereon, the computer-readable program code being arranged to cause a computer system of a cellular communications provider to:

receive an indication of potential use of a specified wireless hotspot from a user ([0017] lines 9-13);

identifying services available at the specified wireless hotspot ([0017] and [0032]);

Kimura fails to specifically disclose authenticating providers of the services available at the specified wireless hotspot; and preparing authentication information for use by the user. However, Gerdes teaches authenticating providers of the services available at the specified wireless hotspot ([0012] and [0035]); and preparing authentication information for use by the user ([0012] and [0035]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to apply the teaching of Gerdes to Kimura to provide the combination and concatenation of security features makes the method more secure, because it is more difficult to interfere.

Regarding claim 19, Kimura and Gerdes further teach a storage medium as claimed in claim 14, wherein the computer-readable program code arranged to cause the computer system of the cellular communication provider to authenticate providers of the services is arranged for verifying the trustworthiness of the providers of the services (see Kimura, [0017] and [0038]).

Regarding claim 22, Kimura and Gerdes further teach a method as claimed in claim 1, wherein the provision of the confirmation that the provider of the service is authenticated is provided via a cellular communication link between the cellular communications service provider and the user (see Gerdes, [0012] and [0035]).

Regarding claim 24, Kimura and Gerdes further teach a computer system as claimed in claim 10, wherein the computer system is further arranged to provide the confirmation via a cellular communication link between the cellular communications service provider and the user (see Gerdes, [0012] and [0035]).

4. Claims 15-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura, Shinya (EP 1161031A2) in view of Stewart et al. (U.S.Pub-20060183467).

Regarding claim 15, Kimura teaches a method wherein a cellular telecommunications provider authorises a user to use a location-dependent service, the method comprising:

authenticating a provider of the service ([0017]); and

authenticating the provider of the service to the user ([0017] and [0032]).

Kimura fails to specifically disclose tracking the location of the user via a wireless communications device of the user; and determining that the user is or will be within an operating range of location-dependent service. However, Stewart teaches tracking the location of the user via a wireless communications device of the user ([0015]); and determining that the user is or will be within an operating range of location-dependent service ([0015]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Stewart to Kimura to provide a system in which a mobile user can be geographically located automatically.

Regarding claim 16, Kimura and Stewart further teach a method as claimed in claim 15, further comprising receiving a request to use the location-dependent service by the user (see Kimura, [0017] and [0032]).

Regarding claim 17, Kimura and Stewart further teach a method as claimed in claim 16, wherein authenticating the provider of the service commences prior to receiving the request authenticating the provider of the service subsequent to receiving the request (see Kimura, [0038]).

Regarding claim 20, Kimura and Stewart further teach a method as chimed in claim 15, wherein authenticating the provider of the service comprises verifying the trustworthiness of the providers of the services (see Kimura, [0017] and [0032]).

5. Claims 5-8, 12-13, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura, Shinya (EP 1161031A2) in view of Gerdes et al. (U.S.Pub-20030046541) and further in view of Stewart et al. (U.S.Pub-20060183467).

Regarding claim 5, Kimura and Gerdes further teach a method as claimed in claim 1,

Kimura and Gerdes fail to specifically disclose tracking the location of a user via a user's wireless communications device; and predicting, from the location of the user a service at a wireless hotspot within current or future range of the user. However, Stewart teaches tracking the location of a user via a user's wireless communications device ([0015]); and predicting, from the location of the user a service at a wireless hotspot within current ([0015]) or future range of the user. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Stewart to Kimura and Gerdes to provide a system in which a mobile user can be geographically located automatically.

Regarding claim 6, Kimura, Gerdes and Stewart further teach a method as claimed in claim 5, further including supplying the user with information concerning the location of one or more hotspots close to the user or closest to the user (see Stewart, [0014]-[0015], [0023]).

Regarding claim 7, Kimura, Gerdes and Stewart further teach a method as claimed in claim 5, wherein the indication of potential use is determination that the hotspot is within present or future range of the user (see Stewart, [0014]-[0015]).

Regarding claim 8, Kimura, Gerdes and Stewart further teach a method as claimed in claim 7, further including receiving a positive request to use the service (see Kimura, [0035]), and commencing authentication of the provider of the service before the positive request is received (see Gerdes, abstract).

Regarding claim 12, Kimura and Gerdes further teach a computer system as claimed in claim 10,

Kimura and Gerdes fail to specifically disclose the processor is further arranged for receiving location information representing the location of the user, and for determining from the location information one or more wireless hotspots that are or will be within the range of the user. However, Stewart teaches the processor is further arranged for receiving location information representing the location of the user ([0015]), and for determining from the location information one or more wireless hotspots that are or will be within the range of the user ([0014]-[0015]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Stewart to Kimura and Gerdes to provide a system in which a mobile user can be geographically located automatically.

Regarding claim 13, Kimura, Gerdes and Stewart further teach a computer system as claimed in claim 12, wherein the processor is further arranged for (a) receiving a positive request for use of a service at the hotspot from the user (see Kimura, [0017]), (b) commencing authenticating a provider of the service before the positive request is received (see Gerdes, [0035]) and (c) preparing authentication

information for use by the user after the positive request is received (see Gerdes, abstract, [0035]).

Regarding claim 21, Kimura and Gerdes further teach a method as claimed in claim 1,

Kimura and Gerdes fail to specifically disclose the indication of potential use is received via a call from a user via the cellular communications service provider. However, Stewart teaches the indication of potential use is received via a call from a user via the cellular communications service provider ([0022]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Stewart to Kimura and Gerdes to provide a system in which a mobile user can be geographically located automatically.

Regarding claim 23 is rejected with the same reasons set forth in claim 21.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Khai M Nguyen/
Examiner, Art Unit 2617 7/10/2008